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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

TSUNGAI TUNGWARARA,)	No. C 04-2144 EDL
)	E-FILING CASE
Plaintiff,)	
)	REVISED JOINT STIPULATION AND
v.)	[PROPOSED] ORDER (AS MODIFIED)
)	
UNITED STATES OF AMERICA, et al.)	
)	
Defendant.)	
)	
)	

The parties, by and through their respective attorneys, request that the following deadlines be set by the Court in the above-captioned action.

The continuance of the dates is to accommodate a personal conflict of plaintiff's counsel for the month of November, 2005 and a scheduling conflict for defendant's counsel in January and February, 2006. Chief Judge Vaughn Walker has set a three-week bench trial for January 23, 2006 to February 10, 2006 in *Sistrunk v. United States*, C 02-5292 VRW. The current trial dates in this case conflict with the *Sistrunk* trial dates. The current dates for hearing the Federal Tort Claims Act summary judgment motion conflict with plaintiff's counsel's plan for a sabbatical in the month of November, 2005.

The dates requested are as follows:

1. The last date to have summary judgment motions heard will be **February 1, 2006**.
2. The pre-trial conference in this case will take place on **March 13, 2006**.

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3. A bench trial lasting no more than five days will start on **April 3, 2006**.

The parties have agreed that if the trial date is moved to April, 2006, defendants will withdraw their motion for a stay of action in this case.

Respectfully submitted,

KEVIN V. RYAN
United States Attorney

Dated: October 20, 2005

/s/
ANDREW Y.S. CHENG
Assistant United States Attorney

Dated: October 20, 2005

/s/
ANTHONY SCHOENBERG
Attorney for Plaintiff

ORDER (AS MODIFIED)

The last day to hear summary judgment motions shall be **February 7, 2006**. The pre-trial conference in this case shall occur on **March 21, 2006**. A bench trial lasting no longer than five days shall occur on **April 10, 2006**.

IT IS SO ORDERED.

Dated: October 24, 2005

Elizabeth D. Laporte
ELIZABETH D. LAPORTE
United States Magistrate Judge